

FARMINGTON CITY PLANNING COMMISSION MEETING

Thursday, September 24, 2009

PLANNING COMMISSION STUDY/WORK SESSION

***Present:** Chairman John Bilton, Commission members Rick Draper, Randy Hillier, Craig Kartchner, and Jim Young, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey. Commissioners Steven Andersen and Michael Wagstaff were excused.*

Chairman Bilton began the work session at 6:30 p.m.

(Agenda Item #1) - Approval of Minutes

There were no alterations to the minutes of the September 10, 2009 meeting.

(Agenda Item #3) – Farmington City (Public Hearing) – Applicant is requesting a recommendation on a proposed amendment to the City’s Subdivision Ordinance regarding security bonds. The proposed amendment is specific to when a required security bond must be posted (ZT-5-09).

Glenn Symes discussed some of the problems which can occur when developers are not able to complete their developments in a timely manner. He said that if the City required a bond, they could step in and finish the work; however, under the current Ordinance they have no recourse. The Planning Department’s proposal is to require developers to post a security bond prior to any work being done on improvements such as roads, storm drain, curb and gutter, and sidewalks. He said he would present more information regarding this issue in the regular session.

(Agenda Item #4) – Farmington City (Public Hearing) – Applicant is requesting a recommendation on a proposed amendment to the City’s Zoning Ordinance regarding Temporary Uses. The proposed amendment is specific to the prohibition of items brought to a site for a listed exempt Temporary Use (ZT-4-09).

Mr. Symes reviewed several details regarding this item and said many model homes in the east are allowing the sale of items at boutiques held in model homes. He said many developers are in favor of the boutiques because they draw additional traffic into their model homes. There have been a few held in Farmington, but the current City Ordinance prohibits people from bringing items for sale to the model homes. Staff believes the boutiques will happen with or without the City’s approval, and they think the City would have a better chance for regulation if they were allowed. The Commission discussed several pertinent issues such as the benefit to the community, traffic and parking, sales tax, and the types of items which would be sold.

(Agenda Item #5) - DAI – (Public Hearing) – Applicant is requesting a recommendation of approval for an amendment to the Preliminary and Final PUD Master Plan for The Grove (formerly Palmer Estates) subdivision. The proposed amendment would increase the overall number of units to 23 from the 19 originally approved (S-17-06).

Glenn Symes said DAI is requesting 23 units rather than the 28 units previously requested. He said they were able to work out a satisfactory compromise with the Palmers, and the setbacks are all within the zoning requirements.

Spencer White, DAI representative, said the homes will be custom homes within the 5000 square foot range, and the prices would range between \$500,000 and \$800,000. The three original builders still plan to participate, and more details will be dealt with prior to final plat approval.

Chairman Bilton asked if there had been any feedback from Farmington City Fire Chief **Larry Gregory**. **Mr. Symes** replied that they were not able to speak with him; however, he said all of the access points are the same, and staff believes the Fire Chief will approve the plan. There was also discussion regarding the road width and secondary access. **Chairman Bilton** asked if there had been any contact with Lagoon regarding access to the Lagoon trail. **Spencer White** replied that they had not spoken with Lagoon representatives but if they do not allow access, DAI has another possibility for accessing the trail.

PLANNING COMMISSION REGULAR SESSION

***Present:** Chairman John Bilton, Commission members, Rick Draper, Randy Hillier, Craig Kartchner, and Jim Young, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey. Commissioners Steven Andersen and Michael Wagstaff were excused.*

Chairman Bilton opened the meeting at 7:04 p.m. and offered the invocation.

Approval of Minutes - (Agenda Item #1)

Motion

Craig Kartchner made a motion that the Planning Commission approved the minutes of the September 10, 2009 meeting. **Randy Hillier** seconded the motion, and it was approved by Commission members **Craig Kartchner** and **Jim Young**. **Chairman Bilton** and **Rick Draper** abstained because they were not in attendance.

City Council Report - (Agenda Item #2)

Glenn Symes said the City Council approved the final plat for the Farmington Bay Business Park amendment, and the "Road to the North" (Station Parkway) dedication plat was approved.

Motion

Craig Kartchner made a motion that the Planning Commission review Agenda Item #5, the DAI application for The Grove subdivision, prior to Agenda Items #3 and #4. **Rick Draper** seconded the motion, and it was unanimously approved.

DAI – (Public Hearing) – Applicant is requesting a recommendation of approval for an amendment to the Preliminary and Final PUD Master Plan for The Grove (formerly Palmer Estates) subdivision. The proposed amendment would increase the overall number of units to 23 from the 19 originally approved (S-17-06) (Agenda Item #5)

Background Information

Mr. Symes said the original approval for 19 units was granted in 2007, and in August 2009 DAI submitted a proposal for 28 units. However, the **Palmer** family, adjacent property owners, and the Planning Commission did not approve of the request, and it was tabled. The Commission advised DAI to work out a plan which would be satisfactory to those involved. DAI met with the neighbors and the **Palmer**s, and their current proposal is to increase the total number of units to 23. **Chairman Bilton** invited **Brad Palmer** to offer his opinion of the new proposal.

Mr. Palmer said he was grateful they were able to figure out a compromise with DAI so the project can move forward. He is confident that the final concerns will be resolved during the upcoming process.

Public Hearing Opened

Chairman Bilton opened the public hearing at 7:20 p.m.

Karen Davis, 180 West 600 North, attended the neighborhood meeting and appreciated the effort that DAI put forth toward a compromise. She approves of this plan but remains concerned about the additional traffic and the width of the roads within the PUD.

Spencer White, representative from DAI, said each unit will be a single family home, and the lot sizes vary with the smallest lot being approximately one quarter of an acre.

Curt Draper, 547 North Main, said he is in favor of this proposal and believes it is a good compromise.

Public Hearing Closed

Chairman Bilton closed the public hearing at 7:25 p.m. and asked for comments from the Commission. They expressed support for the new proposal and were pleased that DAI and the **Palmer**s were able to reach an agreement. In response to the comments regarding road widths and safety issues, they said they rely on the expertise of City officials who have certified that the road widths and safety issues meet all the requirements. **Chairman Bilton** encouraged DAI to grant access to **Brent Stephens** who lives at 515 North Main.

Motion

Rick Draper made a motion that the Planning Commission recommend to the City Council the approval of the proposed amendments to the Preliminary PUD Master Plan for The Grove located at approximately 100 West 600 North, with the following conditions:

1. The applicant must receive Final PUD Master Plan and Final Plat approval by the City Council for the proposed amendments;
2. The applicant shall comply with all requirements of the Planning Department, Engineering, and all utilities to conform to the Preliminary PUD Master Plan requirements;
3. Subject to all previous conditions placed on prior approvals;
4. The applicant continues to work with the City to secure an easement for the trail connection to the Lagoon Trail;
5. The applicant continue to work with the City's Historic Preservation Commission to establish appropriate regulations in the HOA's CC&Rs for the maintenance and protection of the Hector C. Haight House located on the property.

Findings for Approval

1. The proposed PUD layout provides a more pleasant and attractive living environment than would otherwise be established under the application of conventional subdivision and underlying zoning ordinances.
2. The proposed PUD creates no detriment to property adjacent to the subject property as the proposed PUD does not maintain a significantly higher residential density than adjacent properties.
3. The proposed PUD meets the requirement of 10% open space necessary for the development of a Planned Unit Development.
4. The proposed PUD has not created an increased hazard to the health, safety and general welfare for the residents of the proposed PUD as a result of any deviation of development standards required in the underlying zone.
5. The attached letter from Lagoon will be used to offer full disclosure to DAI and potential buyers regarding the unique elements of locating near the amusement park.

Randy Hillier seconded the motion, and it was unanimously approved.

Motion

Randy Hillier made a motion that the Planning Commission recommend to the City Council Final PUD Master Plan approval for The Grove Planned Unit Development located at 100 West 600 North with the following condition:

1. The applicant shall comply with all requirements of the Planning Department, Engineering and all utilities regarding the Final PUD Master Plan requirements.

Jim Young seconded the motion, and it was unanimously approved.

Farmington City (Public Hearing) – Applicant is requesting a recommendation on a proposed amendment to the City’s Subdivision Ordinance regarding security bonds. The proposed amendment is specific to when a required security bond must be posted (ZT-5-09) (Agenda Item #3)

Background Information

Mr. Symes explained that this change would require a developer to post a bond prior to any work being done on infrastructure required by the City. Currently, the developer completes the improvements and then records the plat and posts a warranty bond. He showed several pictures of unfinished work in the City and discussed some of the safety issues involved when improvements are not completed within a timely manner:

- Farmington Meadows Phase 2—an unfinished road extension which will eventually be a public road but the City has no bond for it. Residents are usually unaware that the roads are private.
- Village at Old Farm--open manholes, unfinished sidewalks, junk, storm drain boxes 8-9 feet deep with water in the bottom, and open boxes in empty fields, private roads. The City installed a barricade at this location, but it was not successful.
- Both of these developments are located close to established neighborhoods.

Mr. Symes said the bond estimate for the remaining work on the Village at Old Farm would be approximately \$500,000. If the work is not done properly or within a specified time frame, the City could close on the bond and finish the work. He told the Commission about the City’s SWPPP (storm water pollution prevention plan) which requires a \$1000 bond to be posted prior to the installation of the storm water drains. Then if the work is not properly completed within the required time frame, the City can close on the bond and finish the work. He said staff has made many efforts to get these developers to cooperate and finish the infrastructure, but they have been very difficult to work with and have not done anything to remedy the situation. The next step for the City will be legal action.

Public Hearing Opened

Chairman Bilton opened the public hearing at 7:40 p.m. There was no one in attendance to speak regarding this issue, and the public hearing was closed at 7:40 p.m. The Commission discussed several issues of concern, including:

- The proposed code change is not retroactive and will not solve the current issues.
- The proposal is for public improvements.
- Would this be an additional financial burden for developers?
- The City determines the fees and standards necessary to complete the infrastructure. Would the fees and standards be the same for private?
- The City Attorney needs to review these proposed changes.

The Commission suggested that it would be prudent for staff to take a closer look at the possibility of regulating private developments as well as public ones. **Chairman Bilton** referred to the Somerset project which created many difficult issues and has been a 20-year battle for the City. **Mr. Symes** said he would present the issues to the City Attorney.

Motion

Jim Young made a motion that the Planning Commission table the City's request for a proposed amendment to the City's Subdivision Ordinance, Title 12 regarding security bonds to allow staff to review public vs. private bonding and whether they should be combined. The amendment will be reviewed again at the next Planning Commission meeting on October 15, 2009. **Randy Hillier** seconded the motion, and it was unanimously approved.

Farmington City (Public Hearing) – Applicant is requesting a recommendation on a proposed amendment to the City's Zoning Ordinance regarding Temporary Uses. The proposed amendment is specific to the prohibition of items brought to a site for a listed exempt Temporary Use (ZT-4-09) (Agenda Item #4)

Background Information

Glenn Symes said there is a growing popularity of boutiques held in model homes. Staff feels that the boutiques would take place whether or not they were approved by the City, and they feel that requiring a business license for the events would help with the regulation. He suggested two amendments to Section 11-28-120—Temporary Use of Land and Structures: (1) remove the word "craft" and (2) delete the sentence "The sale of products brought to the site is prohibited". He said staff feels that if people are given the opportunity to work with the City, these types of events can be better regulated.

Public Hearing Opened

Chairman Bilton opened the public hearing at 8:00 p.m. There was no one in attendance to speak regarding this item, and the public hearing closed at 8:00 p.m.

Motion

Randy Hillier made a motion that the Planning Commission recommend approval of the proposed amendments to the City's Zoning Ordinance, 11-28-120(h)(3)(i)(3) of the City Code, to the City Council. **Rick Draper** seconded the motion, and it was unanimously approved.

Findings for Approval

1. As these types of events are likely to take place even if prohibited, the proposed amendment would allow promoters of boutiques to work with the City with the City's knowledge of such events and would allow for better regulation of such events;
2. Promoters of such boutiques are still required to obtain a business license for such events;
3. The proposed amendment would not amend the number of times such an event may take place in a given year.

ADJOURNMENT

Motion

Craig Kartchner made a motion that the meeting be adjourned. **Jim Young** seconded the motion, and the meeting was adjourned at 8:05 p.m.

John Bilton, Chairman
Farmington City Planning Commission